

ESTTA Tracking number: **ESTTA857586**

Filing date: **11/13/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Forever 21, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	3880 North Mission Road Los Angeles, CA 90031 UNITED STATES		

Correspondence information	Jerry Noh Associate Director of IP Forever 21, Inc. 3880 North Mission Road Los Angeles, CA 90031 UNITED STATES Email: ip@forever21.com
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Applicant Information

Application No	87484456	Publication date	10/24/2017
Opposition Filing Date	11/13/2017	Opposition Period Ends	11/23/2017
Applicant	Coger, Michael 164 Summit Ave Hackensack, NJ 07601 UNITED STATES		

Goods/Services Affected by Opposition


Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Denim jackets; Hats; Headbands for clothing; Hoodies; Socks; T-shirts
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2913132	Application Date	11/17/2003
Registration Date	12/21/2004	Foreign Priority Date	NONE
Word Mark	FOREVER 21		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1998/03/01 First Use In Commerce: 1998/03/01 RETAIL STORE SERVICES FEATURING COSMETICS; EYEWEAR, NAMELY, SUNGLASSES; JEWELRY, NAMELY, BRACELETS, EARRINGS, NECKLACES, RINGS AND WATCHES; ACCESSORIES, SHOES, HANDBAGS; AND CLOTHING, NAMELY, PANTS, SHIRTS, JACKETS, SKIRTS, DRESSES, SWEATERS, HATS, GOWNS, SCARFS, BELTS, ROBES, PAJAMAS, VESTS AND HATS; TUBE TOPS, TANK TOPS, CORSETS, BRAS, UNDERWEAR AND SHAWLS

U.S. Registration No.	2067637	Application Date	03/14/1995
Registration Date	06/03/1997	Foreign Priority Date	NONE
Word Mark	FOREVER 21		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1989/03/01 First Use In Commerce: 1995/10/11 retail store services featuring clothing and accessories, jewelry, handbags, and wallets		

U.S. Registration No.	2583457	Application Date	07/07/2000
Registration Date	06/18/2002	Foreign Priority Date	NONE
Word Mark	FOREVER 21		

Design Mark	FOREVER 21
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2001/01/04 First Use In Commerce: 2001/01/04 Men's, women's and children's clothing,namely, t-shirts, shirts, blouses, pants, shorts, skirts, dresses, vests, sweaters, jackets and coats

Attachments	78328871#TMSN.png(bytes) 76085191#TMSN.png(bytes) Notice of Opposition.pdf(85163 bytes)
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Signature	/Jerry Noh/
Name	Jerry Noh
Date	11/09/2017

Attorney Docket:
Mark: **FOREVER YOUNG 15 (and Design)**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN RE SERIAL NO. 87/484,456

FOREVER 21, INC.)	Opposition No.:
)	
Opposer,)	
)	
vs.)	
)	
Michael Cogger)	
)	
Applicant.)	
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NOTICE OF OPPOSITION

VIA Electronic filing
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

In the matter of the application of Michael Cogger, an individual (hereinafter “Applicant”) for registration of the trademark FOREVER YOUNG 15, Applicant Serial No. 87/484,456 published in the Official Gazette of October 24, 2017. FOREVER 21, INC., a Delaware corporation, with offices at 3880 N. Mission Road, Los Angeles, California 90031 (hereinafter “Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. 87/484,456, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive development, advertising, and marketing of a variety of wearing apparel products and related fashion accessories including shirts, dresses, jackets, sweatsuits, lingerie, hats, shorts, skirts, scarves, socks, and shoes, as well as purses, wallets, tote bags and duffle bags; make up, cosmetics; sunglasses and eyeglasses; sporting goods and jewelry. In connection therewith, Opposer has used, filed, or registered several federal applications with an intent to use, in interstate commerce, the mark FOREVER 21 for the aforementioned goods since long prior to Applicant's filing date of the application of Serial No. 87/484,456 for the mark FOREVER YOUNG 15.

2. Since at least as early as 1989, Opposer has made use of its FOREVER 21 trademarks throughout the United States in interstate commerce. Since adoption of its FOREVER 21 trademarks, Opposer has continuously used those marks throughout the United States in interstate commerce.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products, and has created valuable goodwill among the purchasing public under its FOREVER 21 trademark.

4. As a result of the continuous and extensive use of the FOREVER 21 trademark by Opposer, its mark has become and continue to function as a valuable business and marketing asset of Opposer, and serve to indicate to the trade and consuming public the products originating from Opposer and its authorized representative.

5. Opposer has obtained United States Trademark Registration No. 2,913,132, registered December 21, 2004, for the mark FOREVER 21 for the goods set forth in that registration.

6. Opposer has obtained United States Trademark Registration No. 2,067,637, registered June 3, 1997, for the mark FOREVER 21 for the goods set forth in that registration.

7. Opposer has obtained United States Trademark Registration No. 2,583,457, registered June 18, 2002, for the mark FOREVER 21 for the goods set forth in that registration.

8. Opposer has obtained United States Trademark Registration No. 2,836,546, registered April 27, 2004, for the mark FOREVER 21 for the goods set forth in that registration.

9. Notwithstanding Opposer's rights in and to said FOREVER 21 trademark, Applicant, on information and belief, filed an application for registration of FOREVER YOUNG 15 on June 12, 2017 for denim jackets; hats; headbands for clothing; hoodies; socks; t-shirts in International Class 025. Said application was published for opposition in the Official Gazette of October 24, 2017.

9. Applicant's FOREVER YOUNG 15 mark is confusingly similar to Opposer's FOREVER 21 trademark and its registration and use by Applicant on the goods claimed in the subject application is likely to cause confusion, deception and mistake.

10. Applicant's use of the mark FOREVER YOUNG 15 interferes with Opposer's use of its FOREVER 21 trademark and use of, or registration of, the mark FOREVER YOUNG 15 by Applicant will damage Opposer.

11. Opposer's FOREVER 21 trademark is famous marks. Applicant's use of FOREVER YOUNG 15 after Opposer's FOREVER 21 trademark became famous and Applicant's use of FOREVER YOUNG 15 causes dilution of the distinctive quality of Opposer's famous FOREVER 21 trademark.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of the mark FOREVER YOUNG 15 to Applicant be denied.

Respectfully submitted,

Dated: November 9, 2017 /Jerry Noh/
Jerry Noh
Associate Director and Senior Counsel
Forever 21, Inc.